

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LESLIE JONES,

Plaintiff,

Case No. 2:04-cv-01933 ALA (P)

vs.

LIEUTENANT E. SANDY, et al.,

Defendants.

ORDER

Plaintiff Leslie Jones (“Petitioner”) is proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. Before this Court is Petitioner’s “Response to the Courts [sic] Order Dated November 4, 2008, Denying Plaintiff’s Motion for Defendants [sic] to Produce Inmate Witness Tyrone C. Wright, Without Prejudice[.]” (Doc. 145.)

I

On May 7, 2008, Petitioner filed a motion for the attendance of incarcerated witnesses at trial (Doc. 111) which this Court granted in part and denied in part (Doc. 124). In relevant part, the Court denied Petitioner’s motion regarding prospective witness Tyrone Wright because the evidence presented in the record indicated that he was no longer incarcerated. (Doc. 124 at 2.) On October 28, 2008, Petitioner filed a motion requesting that the Court order the California

1 Department of Corrections and Rehabilitation (“CDCR”) to produce Wright for trial because,  
2 according to Petitioner, Wright’s parole has been revoked and Wright is currently in custody.  
3 (Doc. 134.) This Court denied Petitioner’s motion without prejudice because, among other  
4 things, Petitioner failed to demonstrate that the individual in custody at the Rio Cosumnes  
5 Correctional Center (“RCCC”) is the same individual that Petitioner seeks to have testify at trial.  
6 (Doc. 142.)

7 II

8 Petitioner now contends that he has learned “through further investigation” that the  
9 individual in custody at RCCC is the same “Tyrone C. Wright” that Petitioner seeks to have  
10 testify at trial. (Doc. 143 at 2.)

11 Defendant is hereby ORDERED to respond to Jones’s motion – by checking internal  
12 inmate records – and indicate whether the individual in custody at RCCC is the same Tyrone C.  
13 Wright that Petitioner seeks to have testify at trial. If Defendant determines that the individual is  
14 the same Tyrone C. Wright, Defendant is further ordered to indicate whether Wright is subject to  
15 the jurisdiction of the CDCR. Defendant’s response is due Monday, November 24, 2008.

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17 DATED: November 17, 2008

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19 /s/ Arthur L. Alarcón  
20 UNITED STATES CIRCUIT JUDGE  
21 Sitting by Designation  
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